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Chair

Ms. Filomena Tassi

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● (1315)

[*English*]

The Chair (Ms. Filomena Tassi (Hamilton West—Ancaster—Dundas, Lib.)): Good afternoon, everyone. I'm pleased to call to order the 15th meeting of SMEM.

Before we begin, I want to make sure that everyone here is okay with the fact that I'm chairing this meeting today while recognizing that I also have a motion listed on the agenda.

Is everyone okay that I chair the meeting notwithstanding that I have an item listed on the agenda?

Mr. Blake Richards (Banff—Airdrie, CPC): Yes, and my respect for raising that. Obviously, it's something that I don't think you had to do, but you're just being completely above board on that. We appreciate it.

The Chair: Okay, thank you.

Ms. Rachel Blaney (North Island—Powell River, NDP): I agree.

The Chair: Thank you, Rachel.

You've all received a copy of the items?

David.

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): On a point of order, there are two I'd like discussion on. I haven't landed on a decision about them, and maybe you guys would like to approve everything else and come back to these two. It's Bill C-405 and Bill C-406 that I have some questions about.

The Chair: Are other members okay with doing that?

Mr. Blake Richards: I'm not sure which of the two....

Mr. David de Burgh Graham: If you guys are okay with approving everything else, we can come back and talk about these two.

Ms. Rachel Blaney: Okay.

The Chair: That's fine with me.

Mr. Richards, are you okay with that?

Mr. Blake Richards: I don't have problems with any of the other items, or the two that have been referenced either.

Mr. David de Burgh Graham: I'm not sure if I have problems with them. I just want to talk to the analyst about them before I go anywhere.

Mr. Blake Richards: I'm okay with approving the rest of them, I guess, and hopefully we can approve the other two as well.

The Chair: Okay, very good.

Mr. David de Burgh Graham: Do I dive straight into that or...?

Okay. I'll wait for Blake to come back.

The Chair: Okay.

Mr. David de Burgh Graham: We haven't landed on anything. I just want to bring up a discussion on them. The concern that we have is that Bill C-405 risks conflicting with Bill C-27, and Bill C-406 risks conflicting with Bill C-76. I gave David, the analyst, a heads-up that I'd bring this up, so if he'd like to give us his analysis, then we can see if there's any merit to my concern or if we should just leave them the way they are.

Mr. David Groves (Committee Researcher): As you can see from the document I distributed, it is my assessment that there isn't an issue. I'm going to go through my assessment.

The potential issue with Bill C-405 revolves around whether it concerns a question that is currently on the Order Paper, an item of government business. Specifically, Bill C-405 amends section 29 of the Pension Benefits Standards Act, the same section of the PBSA that Bill C-27 amends.

However, Bill C-405 and Bill C-27 amend different subsections of that section, so there's no formal overlap, and the substance of their proposed amendments differ. Bill C-405 amends the PBSA to allow pension plan administrators to sell off pieces of plans they are managing. Bill C-27 proposes amendments to allow the regulation of target benefit plans. I apologize, but I don't know enough about pension benefit plans to know what that is, but it's unrelated. It's a type of plan that involves fixed contributions.

As for Bill C-406, the same rule is potentially at issue, whether it concerns a question that is on the Order Paper as government business. Bill C-76 and Bill C-406 both amend the Canada Elections Act, and both deal with issues of political financing. They do not amend the same sections of the CEA, however, so there's no formal overlap, and in terms of substance, they also deal with different issues. Bill C-406 places a prohibition on foreign contributions by third parties who engage in certain types of political spending. Bill C-76 amends the Canada Elections Act to provide an expanded list of the kinds of activities that third parties cannot engage in, using unknown contributions, as opposed to foreign ones. But it also changes the definition of what a foreign entity is.

In my assessment, there is no direct formal overlap, and they deal with different substance. However, Bill C-76 provides a new definition for foreign entity, which means it would have an effect on Bill C-406. Moreover, Bill C-406 includes a coordinating amendment, so if Bill C-76 were to pass, the language inserted by Bill C-406 would change as well.

We are returning to the same criterion that has been before this committee twice already this spring. The criterion is that bills and motions must not concern questions that are currently on the Order Paper or Notice Paper as items of government business.

Unfortunately, from the rule, as I said in an earlier meeting, it's not clear what is meant by "question", and it's not clear what is meant by "concern". However, judging by decisions made by this committee already—it has come up twice before in the last couple of months—there was a private member's bill that SMEM found non-votable because it sought to establish a national strategy for dealing with abandoned vessels while a government bill on the Order Paper would establish a federal framework for abandoned vessels. Furthermore, SMEM found another private member's bill non-votable because it would have extended protections to a series of bodies of water in British Columbia that would, under a government bill on the Order Paper, have received very similar levels of protection. In both cases, the determination that the committee made was that the private member's bill and the government bill addressed the same issue and dealt with it in a similar enough way that, were the two bills to advance at the same time, one would be redundant.

The way I have been interpreting the words "concern" and "question" is to see their being about preventing a few problems. One is pure duplication: two bills that exist to do the exact same thing in the exact same way. Another is conflict: two bills trying to achieve two opposing goals using the same section of an existing act, so they could not exist at the same time. The last is redundancy: two bills trying to achieve a similar enough objective that, should they pass, one or the other would be of little additional value.

The reason we care about these three criteria—duplication, conflict, and redundancy—as I understand them, is that this committee is interested in providing members the fullest opportunity possible to use their private members' time effectively, so that if the bill or the motion would have little or no effect, they should be given the opportunity to replace it.

In the two cases before the committee, I do not see duplication, conflict, or redundancy to be significant concerns. Each bill is concerned with a particular subject that the relevant government legislation has not addressed, and they do not overlap formally.

It's important to note, too, that SMEM in the recent past has permitted PMBs to move forward even if they touched on the same legislation as a pending government bill would, since they addressed different subjects within the ambit of that bill. Typically it has been Elections Act-related bills that we permitted to move forward on that basis.

It is my assessment that these bills do not trigger that rule and, therefore, that they can be declared not non-votable.

● (1320)

Mr. Blake Richards: Madam Chair, having heard the advice we just received, I would move that we not find Bill C-405 or Bill C-406 to be items that would need to be deemed non-votable.

The Chair: Is everyone in agreement?

Mr. David de Burgh Graham: Thank you, David, for that deep analysis. I really appreciate it. I will agree with Blake on this. It's fine. I just wanted to know for sure.

The Chair: Okay.

Mr. Blake Richards: I assume that's the correct form.

The Chair: Yes, it was good. It's a double negative.

Mr. David de Burgh Graham: [*Inaudible—Editor*] is correct.

The Chair: We're all in agreement. Thank you very much.

This will be the last meeting, so I hope everyone has a wonderful summer.

Mr. David de Burgh Graham: Do you have to do the motions to send this to the House?

The Chair: No.

Mr. David de Burgh Graham: Excellent.

Thank you, guys.

The Chair: Very good.

The meeting is adjourned.

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